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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,636	03/03/2000	Hideyuki Makitani	35.G2546	5830
5514	7590	11/19/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				POON, KING Y
ART UNIT		PAPER NUMBER		
		2624		

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/518,636	MAKITANI, HIDEYUKI
Examiner	Art Unit	
King Y. Poon	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 July 2004 and 01 April 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,6,7,15,16 and 26-33 is/are pending in the application.
 - 4a) Of the above claim(s) 28-33 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,6,7,15,16,26 and 27 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 March 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1) Certified copies of the priority documents have been received.
 - 2) Certified copies of the priority documents have been received in Application No. _____.
 - 3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. Applicant's election without traverse of group I in the reply filed on 7/12/2004 is acknowledged.
2. The amended title filed on 4/1/2004 has been accepted.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 6, 7, 15, 16, 26, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuka (US 5,579,126) in view of Yokoyama (US 6,166,826)

Regarding claim 1: Otsuka teaches an host computer (PC1, 2, etc, fig. 1) connected to a plurality of image forming apparatuses (e.g., the facsimile apparatus, column 3, lines 65-67, or other facsimile apparatus that receives a fax, column 6, lines 25-27; Otsuka teaches to use a facsimile machine receives and print fax document, column 4, column 9) and transmitting an image signal (column 4, lines 20-25) representing an image to the image forming apparatus, said host computer (note, inherently, all PC is controlled by a special program code to perform a specific function) comprising: selection means for (the program that cause the PC to request the fax apparatus to print, column 13, lines 1-30) selecting one of the plurality of image forming apparatuses; determination means (the software that detects the signal from the fax

machine of requesting a user password, column 11, lines 13-16; note: column 11, lines 5-20 is a log-in procedure in order for the computer to use the fax apparatus, although column 13, lines 1-30, does not mention the log-in procedure, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to use the log-in procedure taught in column 11 in order for the computer to access the fax apparatus to provide system security; especially the log in procedure is taught by Otsuka in the same reference) for determining whether or not the image forming apparatus requests management information relating to a user, input means (the software or device that allows a password to be entered, column 11, lines 13-17) for inputting the management information (user password) in accordance with a result (after determining the signal is for the password, the PC must performs a certain function to cause user enters the password, column 11, lines 13-15) of the determination by said determination means, transmitting means (the software that transmit the password to the fax machine, column 11, lines 13-16) for transmitting the inputted management information (user password) to the image forming apparatus; reception means (the program that received the signal indicating the user can use the system, column 11, lines 20-25; note: a log in procedure is procedure to be performed before a user can use the fax apparatus) for receiving a result the selected image forming apparatus of a determination by the selected image forming apparatus authenticating the management information (column 11, lines 16-25); and control means (the program that controls the transmission of the document file, column 13, lines 10-15) for controlling transmission of the image signal representing the image to the selected image forming apparatus in

accordance with the received result of the determination from the selected image forming apparatus.

Ostuka does not teach the host computer is an image reading apparatus for reading an image to be transmitted to an image forming apparatus.

Yokoyama, in the same area of using log in procedure for controlling a computer of accessing an image forming apparatus (column 12, lines 22-42), teaches a computer can be modified into an image reading apparatus (12, fig. 1, column 9, lines 38-45) by reading an image file column 6, lines 20-25). Yokoyama, further teaches the method to operate an computer transmitting data to a printer can be used to operate an image reading apparatus (column 14, lines 25- 7-13, column 14, lines 25-35, fig. 12) transmitting data to a printer.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Ostuka to include: modifying the host computer into an image reading apparatus, or replace the host computer by an complex machine as disclosed at column 14, lines 25-30).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Ostuka by the teaching of Yokoyama because of the following reasons: (a) it would have allowed an image reading apparatus that operates by an user that transmitted print data to a printer to be securely protected; and (b) it would have increase the versatility of the printing system of Otsuka by providing more functions/options to users without changing fundamentals and principle of the system of Otsuka .

Regarding claim 2: Ostuka teaches wherein said control means compresses the image signal (column 8, lines 20-26) prior to transmitting the image signal.

Note: After modification, the host computer is an image reading apparatus similar to the fax apparatus disclosed in column 8, lines 20-26. Furthermore, it would have been obvious to a person with ordinary skill in the art to compressed image data before transmitting to save valuable transmission bandwidth to: (a) increase data transmission speed and (b) to reduce network crashes by reducing amount of data being transmitted.

Regarding claims 6, 7: Claims 6, 7, are methods claims for the reading apparatus discussed in claims 1-2, Please see discussion of claims 1-2.

Regarding claims 15, 16: Ostuka teaches a computer readable memory (ROM, column 4, line 8) storing a program for controlling the reading apparatus/method discussed in claims 1, 2.

Note: After modification, the host computer is an image reading apparatus similar to the fax apparatus disclosed in column 8, lines 20-26.

Regarding claim 26: Ostuka teaches wherein the selected image forming apparatus performs printing based on the received image signal (column 13, lines 40-45)

Regarding claim 27: Ostuka teaches wherein the management information includes at a user ID. (password, fig. 9; note a password is an user ID, because it identifies the user in a computer system, see fig. 3A)

Response to Arguments

5. Applicant's arguments with respect to claims 1, 2, 6, 7, 15, 16, 26, 27 have been considered but are moot in view of the new ground(s) of rejection. Please see detailed office action.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is (703) 305-0892.

November 18, 2004



KING Y. POON
PRIMARY EXAMINER